

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN**

**WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929**

**RP.No. 987 of 2007(L)**  
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**AGAINST THE JUDGEMENT IN W.P.(C).NO.14606/2007 DATED 16/08/2007.**  
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**REVIEW PETITIONER/PETITIONER:**  
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**SIBI THOMAS, MUTHUMAKKAL HOUSE,  
P.O.KACHERIKAVU, IRITTY, THALASSERY.**

**BY ADV. SRI.O.D.SIVADAS.**

**RESPONDENTS/RESPONDENTS:**  
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- 1. THE REGIONAL TRANSPORT AUTHORITY,  
KANNUR, REPRESENTED BY ITS SECRETARY.**
- 2. THE SECRETARY,  
REGIONAL TRANSPORT AUTHORITY, KANNUR.**

**BY GOVT. PLEADER SMT. SMITHA SUKUMAR.**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION  
ON 17/10/2007, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**Thottathil B. Radhakrishnan, J.**

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R.P.No.987 of 2007

in

W.P.(C)No.14606 of 2007

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Dated this the 17<sup>th</sup> day of October, 2007.

**ORDER**

Learned Government Pleader takes notice. Having regard to the views expressed in Annexure-1 judgment, which was rendered by a learned Judge of this Court, the application for review is allowed reviewing the judgment dated 16-8-2007. The said judgment is recalled.

2. Petitioner applied for an inter-district route as an LSOS, meaning thereby limited stop ordinary service. That application was rejected by the RTO as per Ext.P1 in the writ petition taking the view that the route through which permit was sought for overlaps a nationalised route on which KSRTC was operating. That did not find favour with the STAT and Ext.P2 judgment was passed in the light of the decision in **Mithilesh Garg's** case. Accordingly, the STAT directed the Regional Transport Authority to grant permit. A reading of Ext.P2 as also Ext.P1, which was the

subject-matter in Ext.P2 appeal, does not give a definite impression as to whether the petitioner was entitled to a permit as a limited stop ordinary service or only as an ordinary service. Under such circumstances, I do not deem it appropriate to exercise the writ jurisdiction and interfere with Ext.P3 since the petitioner has an effective alternate remedy by way of an appeal. This writ petition is hence disposed of without prejudice to the right of the petitioner to challenge Ext.P3 before the STAT, in accordance with law.

**Thottathil B.Radhakrishnan,  
Judge.**

sl.